REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Claims 1-28 remain pending in this application.

Claim Rejections – 35 U.S.C. §103

In Section 2 of the Office Action, the Examiner maintained the rejection of claims 1-2, 4-9, 11-14, and 16-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,152 to Hiett (hereinafter "Hiett"). The Examiner stated:

> The Examiner did not reject the claims 1-2, 4-9, 11-14, 16-17 based on the 35 USC §102 but instead used the 35 U.S.C. 103(a) that the invention is being unpatentable over Hiett (i.e. "the received signals are transmitted from within a very short range.") was supported by the reasoning and motivations given by the decision by the Board of Appeal and Interference (Decision on 01/19/2006, pages 4-13).

Applicant respectfully traverse the Examiner's rejection.

Applicants are confused by the Examiner's response for two reasons. First, the Examiner statement that "The Examiner did not reject the claims 1-2, 4-9, 11-14, 16-17 based on the 35 USC §102 but instead used the 35 U.S.C. 103(a) that the invention is being unpatentable over Hiett" is confusing because, even under 103(a), every element of the claims must be either taught or suggested by the prior art. In Applicant's last response, we pointed out that "Claims 1 and 8 were previously amended to recite that the direct broadcast very low range receiver is "limited to receiving signals transmitted from within a very short range." It is important to note that this is not equivalent to, nor is it taught or suggested by, a statement that "the received signals are transmitted from within a very short range." As stated in the previous Office Action, this limitation and the advantage it provides cannot be realized by the system of Hiett, configured to

operate at any distance within the airport, and therefore is not taught nor suggested by Hiett. Accordingly, this element is not taught nor suggested by the prior art which would be required for a valid 103(a) rejection.

Further, the decision by the Board of Appeal and Interference (Decision on 01/19/2006, pages 4-13 does not address this limitation, as the Examiner may be suggesting. In fact, the decision states:

> [W]e find that an artisan would have considered it obvious to operate the ground-based airport LAN with aircraft near or at a gate of the airport, communicating, using cellular or infrared communications, etc., with the aircraft receiver 106, via interface 506, over distances as short as less than a few meters. That is, from the disclosure of a ground-based system operating within 1000 feet of the airport, it would flow from the disclosure that it would have been obvious to operate the system of Hiett from 1000 feet down to zero feet or within a few meters.

However, again, a statement that it would have been obvious to operate "from 1000 feet down to zero feet or within a few meters" is not equivalent, nor does it teach or suggest a receiver that is "**limited** to receiving signals transmitted from within a very short range." In fact, Hiett teach the exact opposite, the receiver of Hiett must be configured to receive "from 1000 feet down to zero feet or within a few meters." Configuring a transmitter to operate anywhere in air port teaches away from a receiver that is limited to receiving signals transmitted within a few feet.

Secondly, the Examiner states "[i]n response to applicant's argument that the Hiett's reference is nonanalogous art ... the Examiner is not persuaded that Hiett is non analogous art nor it cannot be modified in anyway the meet requirement of a "very limited/short distance." Applicant is confused because we did not argue that Hiett is non-analogous art. Applicant asserted that the limitation of a receiver that is **limited to receiving from within a very short** range is not taught nor suggested by the prior art. Applicants further argued that "this limitation and the advantage it provides cannot be realized by the system of Hiett, configured to operate at any distance." However, this statement goes to whether Hiett teaches or suggests the limitations

of the claims, not whether Hiett is analogous art. As stated above, not only does Hiett not teach or suggest all of the limitations, it actually teaches away from the limitation discussed above.

Accordingly, at least one element of independent claims 1 and 8 is neither taught nor suggested by the references cited by the Examiner. Reconsideration and allowance of these claims is respectfully requested.

Claims 2 and 4-7 depend from claim 1 and include all of the limitations thereof. Claims 9, 11-14, and 16-17 depend from claim 8 and include all of the limitations thereof. These claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration and withdrawal of the rejection of claims 2, 4-7, 9, 11-14, and 16-17 is respectfully requested.

In Section 3 of the Office Action, the Examiner once again rejected claims 3, 10, and 15 under U.S.C. §103(a) as being unpatentable over Hiett in view of U.S. Patent No. 6,314,572 to LaRocca et al. (hereinafter "LaRocca"). Applicants respectfully traverse the rejection.

Claim 3 depends from claim 1 and includes all of the limitations thereof. Claims 10 and 15 depend from claim 8 and include all of the limitations thereof. Larocca does not cure the deficiencies of Hiett noted above with reference to claims 1 and 8. These claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration and withdrawal of the rejection of claims 3, 10 and 15 is respectfully requested.

Allowed Claims

Claims 18-28 have previously been indicated as allowable. Claims 18-28 remain pending in this application.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Atty. Dkt. No. 00CR064/KE

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No.18-1722.

Respectfully submitted,

Date 5/4/07 By Kyle Eppele

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